

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, et al.,

Debtors.¹

Chapter 11

Case No. 23-90147 (DRJ)

(Jointly Administered)

**CORRECTED DEBTORS' AGENDA FOR HEARING SCHEDULED FOR
APRIL 25, 2023 AT 11:00 A.M. (PREVAILING CENTRAL TIME)**

The above-referenced debtors and debtors in possession (collectively, the “Debtors”) file this Agenda for Hearing Scheduled for April 25, 2023 at 11:00 a.m. (prevailing Central Time) before the Honorable David R. Jones at the United States Bankruptcy Court for the Southern District of Texas, Courtroom 400, 515 Rusk Street, Houston, Texas 77002:

A. DIP Motion

1. *Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection To Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 105].*

Responses Received:

1. *Joint Limited Objection of the Texas Taxing Authorities to the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 2014].*
2. *Objection of the Necessity Landlords to Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to*

¹ A complete list of each of the Debtors in these Chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at www.kccllc.net/mountainexpressoil. The location of Debtor Mountain Express Oil Company's principal place of business and the Debtors' service address in these Chapter 11 cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 293].

3. *Supplemental Objection of the Necessity Landlords to Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Docket No. 316].

Related Documents:

1. *Declaration of Michael Healy in Support of Debtors' Chapter 11 Petitions and First Day Relief* [Docket No. 57].
2. *Declaration Of Geoffrey Richards In Support Of Debtors' Emergency Motion For Entry Of Interim And Final Orders (I) Authorizing The Debtors To (A) Obtain Postpetition Financing And (B) Use Cash Collateral, (II) Granting Liens And Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection To Prepetition Secured Parties, (IV) Modifying The Automatic Stay, (V) Scheduling A Final Hearing, And (VI) Granting Related Relief* [Docket No. 106].
3. *Declaration Of Michael Healy In Support Of Debtors' Emergency Motion For Entry Of Interim And Final Orders (I) Authorizing The Debtors To (A) Obtain Postpetition Financing And (B) Use Cash Collateral, (II) Granting Liens And Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection To Prepetition Secured Parties, (IV) Modifying The Automatic Stay, (V) Scheduling A Final Hearing, And (VI) Granting Related Relief* [Docket No. 107].
4. [Signed] *Interim Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364, and 507, Bankruptcy Rules 2002, 4001, 6004, and 9014, and Local Rule 4001-2 (I) Authorizing the Debtors to Use Cash Collateral and Obtain Post-Petition Financing, (II) Granting Liens and Providing Super-Priority Administrative Expense Status, (III) Granting Adequate Protection, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief* [Docket No. 117].
5. *Notice of Entry of Interim Order and Final Hearing and Cancellation of March 27, 2023 Hearing* [Docket No. 132].
6. *Certificates of Service* [Docket No. 174 and 192].
7. *Notice of Continued Hearing* [Docket No. 228].
8. *Notice of: (A) Continued Final DIP Hearing, and (B) Hearing on Emergency Motion for Entry of an Order (I) Authorizing and Approving a Non-Insider Key Employee Retention Plan And (II) Granting Related Relief* [Docket No. 260].
9. *Notice of Continuance of: (A) Final DIP Hearing, and (B) Hearing on Emergency Motion for Entry of an Order (I) Authorizing and Approving a Non-Insider Key Employee Retention Plan and (II) Granting Related Relief* [Docket No. 294].

10. *Debtors' Witness and Exhibit List* [Docket No. 306].
11. *Official Committee of Unsecured Creditors' Witness and Exhibit List* [Docket No. 307].
12. *DIP Lender's Witness and Exhibit List* [Docket No. 308].
13. *Notice of Filing of Proposed Final Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364, and 507, Bankruptcy Rules 2002, 4001, 6004, and 9014, and Local Rule 4001-2 (I) Authorizing the Debtors to Use Cash Collateral and Obtain Post-Petition Financing, (II) Granting Liens and Providing Super-Priority Administrative Expense Status, (III) Granting Adequate Protection, and (IV) Granting Related Relief* [Docket No. 317].
14. *Debtors' Amended Witness and Exhibit List* [Docket No. 318].

Status: The matter will go forward.

B. KERP Motion

1. *Debtors' Emergency Motion for Entry of an Order (I) Authorizing and Approving a Non-Insider Key Employee Retention Plan and (II) Granting Related Relief* [Docket No. 247].

Responses Received:

1. None.

Related Documents:

1. *Declaration of Michael Healy in Support of Debtors' Emergency Motion for Entry of an Order (I) Authorizing and Approving a Non-Insider Key Employee Retention Plan and (II) Granting Related Relief* [Docket No. 247]
2. *Certificate of Service* [Docket No. 250].
3. *Notice of: (A) Continued Final DIP Hearing, and (B) Hearing on Emergency Motion for Entry of an Order (I) Authorizing and Approving a Non-Insider Key Employee Retention Plan And (II) Granting Related Relief* [Docket No. 260].
4. *Notice of Continuance of: (A) Final DIP Hearing, and (B) Hearing on Emergency Motion for Entry of an Order (I) Authorizing and Approving a Non-Insider Key Employee Retention Plan and (II) Granting Related Relief* [Docket No. 294].
5. *Debtors' Witness and Exhibit List* [Docket No. 306].
6. *Debtors' Amended Witness and Exhibit List* [Docket No. 318].

Status: The matter will go forward.

Dated: April 24, 2023

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Proposed Counsel to the Debtors and Debtors in Possession

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2023, a true and correct copy of the above and foregoing has been served on all parties that are registered to receive electronic transmission through this Court's CM/ECF filing system in these cases.

/s/ Michael D. Warner

Michael D. Warner